

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)  2003P07074WOUS			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number  10/563,489	Filed  2006-01-03			
	First Named Inventor  Thomas Lederer				
	Art Unit  2458	Examiner  Banglong Tran			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding-bottom: 10px;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input type="checkbox"/> attorney or agent of record. Registration number _____</p><p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>55,179</u></p></td><td style="width: 50%; vertical-align: top; padding-bottom: 10px;"><p><u>/Ralph G. Fischer/</u> _____ Signature</p><p><u>Ralph G. Fischer</u> _____ Typed or printed name</p><p><u>412-392-2121</u> _____ Telephone number</p><p><u>October 28, 2009</u> _____ Date</p></td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>55,179</u></p>	<p><u>/Ralph G. Fischer/</u> _____ Signature</p> <p><u>Ralph G. Fischer</u> _____ Typed or printed name</p> <p><u>412-392-2121</u> _____ Telephone number</p> <p><u>October 28, 2009</u> _____ Date</p>
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<input type="checkbox"/> *Total of _____ forms are submitted.					

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

**A. Claims 12-17 And 23-27 Are  
Not Rendered Obvious In View Of The Cited Art**

Currently pending claim 12 requires a method for processing an electronic message to include saving an attachment file of an electronic message in a user-selected memory location, creating a link to the electronic message and saving the link to the electronic message in the user-selected memory location where the file attachment is also stored. Claims 13-17 and 23-27 depend directly or indirectly from claim 12 and therefore also contain these limitations.

**1. Other Than Fellenstein et al., The Examiner Admits None Of The  
Cited Art Teach Or Suggest Creating A Link Or Saving A Link.**

The Examiner admits none of the cited art other than Fellenstein et al. teaches or suggests creating a link to an electronic message or saving the link in a user selected memory location. (Office Action, at 3). However, Fellenstein et al., also does not teach or suggest the requirements as set forth in claims 12-17 and 23-27 of creating a link to an electronic message and saving the link to the electronic message in a user selected location with an attachment file.

**2. Fellenstein et al. Do Not Teach Or Suggest Creating A Link Or Saving  
A Link As Required By Claims 12-17 And 23-27**

The Examiner contends paragraph 31 of Fellenstein et al. teaches or suggests the creating and saving of a link as required by claim 12. (Office Action, at 3). Paragraph 31 of Fellenstein et al. teach an “icon implant” feature that involves the creation of an icon or hypertext reference that is linked to an email reply message. (¶ 31 of Fellenstein et al.). The hypertext reference is associated with a reply message so that when that reference is actuated, any or all the replies is viewable to a user. (¶ 30). This link is placed or inserted within the most recently received electronic message. (¶ 31). The “link” disclosed or suggested by Fellenstein et al. does not teach or suggest any creation of a link to an electronic message that is saved in the same location as a file attachment that was in an electronic message.

The Examiner contends that a person of ordinary skill in the art would be motivated to combine Fellenstein et al. with Coppinger et al. to render claim 12 obvious because “it would provide users an efficient method in which replies to originating electronic messages such as email are grouped together. . .” This cited rationale has nothing to do with the saving of a link to an electronic message in the same location as a file attachment that was within that electronic message. If anything, the cited rationale shows that Fellenstein et al. teach away from the requirements of claims 12-17 and 23-26.

Fellenstein et al.'s link would be saved within a message that has an attachment file; it would not be saved in some user specified location. Further, the link taught or suggested by Fellenstein et al. would be a link to other messages, not the message that contained the attachment file. Clearly, the combination of art cited by the Examiner fails to teach or suggest all the limitations of claims 12-17 and 23-27.

### **3. None Of The Cited Combinations Of Art Teach Or Suggest The Limitations Of Claims 12-17 And 23-27**

None of the cited art alone or in any of the combinations cited in the Office Action teach or suggest all the limitations of the pending claims. For example, the '551 patent discloses an e-mail system that is configured to create a link in an e-mail message between the e-mail message and a previously stored attachment file to replace the attached file within that e-mail message. (The '551 patent, Col. 2, line 60-67). Column 4, lines 28-67 of the '551 patent describe the configuration of the e-mail storage of data in a database used to determine if a received e-mail includes an attached file that is already stored in the e-mail storage. If the database identifies the attachment as being stored, that attachment is replaced with a link to the stored attachment. (Col. 4, line 28, through Col. 6, line 50).

Column 4 only references a link to data of an e-mail for use by a program searching databases for duplicate attached files. There is no link referring to an entire e-mail. For instance, the header portion of the e-mail in the '551 patent is taught as being located in a database separate from other data from that e-mail. See lines 43-45 of Col. 4. However, no link to the entire e-mail is taught or suggested in the '551 patent.

Lines 42 through 45 of Column 4 discuss the use of a link to e-mail message data in reference to Figures 2 and 3 of the '551 patent. This portion of the '551 patent discloses the use of a link for data within an e-mail between a header database and another database. There is no disclosure of an e-mail message link that is external to a mail store. Nor is there any disclosure of an e-mail message link that is stored in the same location as an attached file.

Indeed, the '551 patent teaches away from such storage. For instance, the '551 patent teaches that links to e-mail data should be stored in a header database or another e-mail database. This is not the location or database the attachments are stored in nor is it a link to the actual e-mail message.

None of the other cited art teaches a message link or the storage of a message link in the same location as a stored attached file. As another example, the '622 patent and Sakagawa both

only teach the generation of links in e-mail messages that link a stored attachment file or advertisement to an e-mail message. As yet another example and as discussed above, Fellenstein et al. only teach or suggest the insertion of links into electronic messages. Fellenstein et al. also do not teach or suggest creating and saving links to messages in a location with a file attachment from an electronic message.

The combination of art cited by the Examiner fails to teach or suggest all the limitations of claim 12 and claims 13-17 and 23-26, which depend directly or indirectly from claim 12. In fact, the European Patent Office has searched the prior art and found the invention of the present application warranted the issuance of a patent and granted European Patent No. EP 1 642 229, which is a patent related to the present application, a copy of which was previously provided to the Examiner.

For at least the above reasons, claims 12-17 and 23-26 are allowable over the cited art.

#### **4. Claim 13 Is Allowable Over The Cited Art**

Claim 13 depends from claim 12 and requires the link to be created and saved such that the link is displayed in the same file as the file attachment. None of the cited art discloses or suggests such a requirement. The Examiner referenced paragraph 31 of Fellenstein et al. as teaching or suggesting such a limitation on page 4 of the Office Action. However, as is clear from Fellenstein et al., no saving of both a link to an electronic message and a file attachment to the same file is taught or suggested by Fellenstein et al.

Fellenstein et al. merely teach appending electronic messages so they are all displayable together. Saving a link to an electronic message with a file attachment that was in that message has nothing to do with saving a link associated with an original message in a reply electronic message. Indeed, the link taught by Fellenstein et al. is saved in an electronic message and is not a link to the electronic message to which a file attachment was attached.

#### **5. Claim 26 Is Allowable Over The Cited Art**

Claim 26 depends from claim 12 and requires the user-selected memory location that the message link is saved in to be a file of a file system. There is no teaching or suggestion of such a storage of a message link. The lone reference cited by the Examiner that supposedly discloses or suggested storage in a file system is Coppinger et al. However, Coppinger et al. merely teach the saving of data on a hard drive (§ 15 of Coppinger et al.).

**B. Claims 18-22 And 27-30 Are Allowable Over The Cited Art**

Claim 18 requires a device to include a message link insertion unit configured to insert a message link in a selected memory location, which is the same location a file attached to the electronic message is stored. The message link refers to the electronic message. Claims 19-22 and 27-29 depend directly or indirectly from claim 18 and, therefore, also contain this limitation.

The Examiner has correctly found that Coppinger et al. and Sakagawa do not disclose a message link to an e-mail at page 3 of the Office Action. However, at page 9 of the Office Action, the Examiner mistakenly states that Fellenstein discloses a message link insertion unit configured to insert a message link in a selected memory location that is the same location a file attached to an electronic message is stored.

Fellenstein et al. only teach or suggest the insertion of a link into an electronic message. There is no teaching or suggestion of any saving of links in a different location with an attached file, such as a file that also has an attached file stored therein. Indeed, Fellenstein et al. teach away from such a unit because Fellenstein et al. teach that links should be created and stored in electronic messages, not in other locations.

For at least the above reasons, the cited art do not teach or suggest each and every limitation of claims 18-22 and 27-30. Therefore, the cited combination of art cannot render these claims obvious.

**1. Claim 28 Is Allowable Over The Cited Art**

Claim 28 requires the message link and the attached file to be saved in the same file system stored on and/or maintained by an electronic device such as a computer, a network or a telecommunications device. As discussed above, none of the cited art discloses a message link that is located in the same file as an attached file. To the contrary, the cited art teaches away from this limitation. Indeed, the cited art teaches that links should be located in locations separate from attached files or in electronic messages.

For instance, the '551 patent and Coppinger et al. teach that links to attached files should replace attached files in e-mails. The attached files are stored in a separate file or location and are accessed by that link. Therefore, the cited combination of art cannot render claim 28 obvious. As another example, Fellenstein et al. teach or suggest that links should be added into electronic messages that are associated with previously sent messages within the message chain of communication. (Fellenstein, ¶¶ 30-31).

## **2. Claim 29 Is Allowable Over The Cited Art**

Claim 29 depends from claim 18 and requires the message link insertion unit to be configured to insert a message link in the selected memory location such that the link is displayed in the same file as the file attachment. The message link is configured to display the electronic message after the link is actuated.

None of the cited art discloses or suggests a message link that is configured to display an electronic message that contained an attached file after that link is actuated. Indeed, as discussed above none of the art discloses a message link as required by claims 18-22 and 27-30.

### **C. Claim 31 Is Allowable Over The Cited Art**

Claim 31 is an independent claim and requires a message link insertion unit that is configured to insert a message link in the file of the file system such that the message link is displayed adjacent to the file attachment after the file is accessed by a user. The message link refers to the electronic message such that the electronic message is displayed when the message link is actuated.

The Examiner has cited the combination of Irlam et al., Fellenstein et al. and Coppinger et al. As discussed above, none of the cited art discloses or suggests a message link. Further, the cited art does not teach or suggest a message link and a file attachment that are stored in a file and are displayed adjacent to each other after that file is accessed by a user. Therefore, claim 31 is allowable over the cited art.

Fellenstein et al. do not teach or suggest any insertion unit configured to insert a link to an electronic message that contained an attached file in the same file as the attached file is saved. Nor does the combination of Fellenstein et al., Coppinger and Irlam et al. teach or suggest such an insertion unit. Indeed, none of the cited art teach or suggest any insertion of any link to an electronic message that contained an attached file in the same file as the attached file is saved.